THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.23902 of 1999

Dated: 21.08.2007

Between

The Gram Panchayat, Velpuru
Rep. by its Sarpanch, Sri Chbitha Govardhana Rao

…Petitioner

And

The Agricultural Market Committee,
Gollapudi rep. by its Secretary,
Vijayawada Rural Mandal, Krishna District and others.

…Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.23902 of 1999

ORDER:

In this writ petition, the petitioner seeks direction by way of *mandamus* to declare the action of the respondents in seeking to encroach and lay the road in the village poramboke land known as China donka contrary to the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, as illegal and arbitrary.

It is the case of the petitioner-Gram Panchayat that the lands covered by Survey Nos.25/1, 25/2, 24, 16, 158, 147, 146, 178 and 189 are classified as poramboke lands and they are known as China Donka Poramboke vested in the petitioner-Gram Panchayat. Though there is no approval from the petitioner-Gram Panchayat, the respondents are laying road from the above said lands. Precisely, it is the case of the petitioner-Gram Panchayat that as the said poramboke lands vest in it, laying the road without any approval from it is illegal and arbitrary.

A counter-affidavit has been filed by the first respondent, the Special Grade Secretary, Agricultural Market Committee, Vijayawada on behalf of respondents 1 and 2. In the counter-affidavit, it is stated that there is an existing cart track from the above said lands and that only at the request of the farmers for their benefit, the respondents are developing the road. It is also stated that the local M.L.A. *vide* his letter, dated 13.06.1999, requested the Market Committee to submit a proposal for laying of the road and the Market Committee, in turn, submitted a proposal to the District Collector, who sanctioned the

same by proceedings, dated 15.06.1999. It is further stated that subsequently, the third respondent, the Executive Engineer called for tenders and awarded work to a Contractor by name Sri K.S.Chalapati Rao, who entered into an agreement on 30.08.1999 and that after commencement of the work, the petitioner-Gram Panchayat filed this writ petition and obtained interim orders.

It is the case of the petitioner-Gram Panchayat that a new road is sought to be laid from the aforementioned lands, but from the counter-affidavit it is clear that for the benefit of farmers, the existing cart track is being developed as regular road. In that view of the matter, it cannot be said that the respondents are laying the road from the Poramboke lands, which vest in the petitioner-Gram Panchayat, as such, it is stated that the work is already entrusted to the third party contractor and that the work is only for developing the existing road.

In that view of the matter, I do not find any merit in this writ petition for grant of relief as prayed for.

The writ petition is accordingly dismissed. There shall be no order as to costs.

R.SUBHASH REDDY,J

Date: 21.08.2007
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